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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/647,564	FERLITSCH, ANDREW R.
	Examiner	Art Unit	
	Mark R. Milia	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-22_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-4,6-17 and 19-22_ is/are rejected.
7) ☒ Claim(s) _5 and 18_ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _25 August 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
         1.☐ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____ .
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows: ·

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In light of the 101 Interim Guidelines, the Office policy is to have a claim directed to a computer-readable medium. Therefore, the examiner suggests amending claim 16 to read, "A computer-readable medium storing computer program code means utilized to implement dynamically generating a printer model database through print job analysis, wherein the computer program code means is comprised of executable code for implementing the steps of:", or something similar. Claims 17-20 should be amended to correspond to claim 16.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office·action:

> A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

3.   Claims 1-4, 11-13, 15-17, and 20-22 are rejected under 35 U.S.C. 102(e) as

being anticipated by U.S. Patent No. 7,139,097 to Wu et al.

Regarding claims 1 and 16, Wu discloses a method and program for dynamically

generating a printer model database through print job analysis, the method comprising:

using a printer model database generation application to dynamically generate a base

sequence test print job (see Fig. 1, column 1 lines 56-62, and column 2 lines 25-30 and

55-64), using a printer model database generation post-spooling process to capture the

test print job (see Fig. 1, column 2 lines 30-33, and column 10 lines 29-40), exchanging

test sequence information between the printer model database generation application

and the printer model database generation post-spooling process, wherein the test

sequence information is associated with the test print job (see Fig. 1, column 3 lines 33-

45, and column 10 lines 29-49), archiving the test print job (see column 2 lines 5-7,

column 3 lines 33-39, and column 10 lines 53-56), and using the printer model database

generation application to perform an analysis process to generate a printer model

database entry (see column 2 lines 5-7, column 3 lines 33-39, and column 10 lines 53-

56).

Regarding claim 12, Wu discloses a system configured to dynamically generating

a printer model database through print job analysis, the system comprising: a computer

device comprising: a processing system (see Fig. 2 and column 9 lines 49-51), a print

subsystem (see Fig. 2 "214"), a printer model database generation application

configured to dynamically generate a base sequence test print job and to perform an

analysis process to generate a printer model database entry (see Fig. 1, column 1 lines

56-62, column 2 lines 25-30 and 55-64, column 3 lines 33-45, and column 10 lines 29-

49 and 53-56), and a printer model database generation post-spooling process

configured to capture the test print job (see Fig. 1, column 2 lines 30-33, and column 10

lines 29-40), and a printer device configured to render a print job (see Fig. 2), and a

communication mechanism coupled to the computer device and to the printer device

(see Fig. 2 "200", "208", and "216").

Regarding claim 21, Wu discloses a method for determining an imaging device

command, the method comprising: generating a base sequence test print job (see Fig.

1, column 1 lines 56-62, and column 2 lines 25-30 and 55-64), capturing output

information for the base sequence test print job (see Fig. 1, column 2 lines 30-33, and

column 10 lines 29-40), generating a command specific print job wherein one option is

configured differently than in the base sequence test print job (see column 8 lines 33-

67), capturing driver output for the command specific print job (see column 2 lines 38-

64, column 8 lines 323-67, and column 9 lines 51-52), and comparing the driver output

for the command specific print job and the output information for the base sequence test

print job to determine the imaging device command for communicating the one option

(see column 8 lines 19-32).

Regarding claim 22, Wu discloses a method for determining an imaging device

command database, the method comprising: generating a base sequence test imaging

device job (see Fig. 1, column 1 lines 56-62, and column 2 lines 25-30 and 55-64),

capturing output information for said base sequence test imaging device job (see Fig. 1,.

column 2 lines 30-33, and column 10 lines 29-40), generating a command specific

imaging device job wherein at least one option is configured differently than in said base

sequence test imaging device job (see column 8 lines 33-67), capturing command

specific driver output for said command specific imaging device job (see column 2 lines

38-64, column 8 lines 323-67, and column 9 lines 51-52), and storing at least one

difference between said output information and said command specific driver output as

an imaging device command in an imaging devoice command database (see column 8

lines 19-32).

Regarding claims 2 and 17, Wu further discloses wherein the step for using a

printer model database generation application to dynamically generate a base

sequence test print job comprises automatically generating the test print job when the

test print job corresponds to an option that is printer driver independent (see column 2

lines 51-53).

Regarding claim 3, Wu further discloses wherein the step for automatically

generating the test print job when the test print job corresponds to an option that is

printer driver independent comprises at least one of the steps for: (i) specifying one or

more device independent print options, (ii) specifying one or more device independent

option settings (see column 3 lines 41-45).

Regarding claim 4, Wu further discloses wherein the option corresponds to at

least one off (i) a number of copies to be rendered, (ii) a copy collation process, (iii) a

duplex printing process, (iv) an order for rendering pages of the print job, (v) an orientation for rendering a page of the print job, (vi) a size of paper to be used to render the print job, (vii) a paper source to be used to render the print job, (viii) a paper type to be used to render the print job, (ix) a booklet rendering process, and (x) an N-up printing process (see column 3 lines 41-45).

Regarding claim 11, Wu further discloses wherein the step for using a printer model generation post-spooling process to capture the test print job is performed by at least one of: (i) a print processor, (ii) a print spooler, (iii) a port monitor, (iv) a print assist, and (v) a print server (see Fig. 2 and column 10 lines 29-49).

Regarding claim 13, Wu further discloses wherein the print subsystem comprises at least one of: (i) a printer driver, (ii) a print assist, (iii) a spooler, and (iv) a print processor (see Fig. 2 "214").

Regarding claims 15 and 20, Wu further discloses wherein the printer model generation post-spooling process is performed by at least one of: (i) the print processor, (ii) the printer driver, (iii) the print assist, (iv) the spooler, and (v) a print server coupled to the communication mechanism, wherein the communication mechanism is a network (see Fig. 2 "206").

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-10, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu as applied to claims 1, 12, and 16 above, and further in view of U.S. Patent Application Publication No. 2003/0081274 to Yamamoto.

Regarding claim 6, Wu discloses some printer dependent setting options (see column 3 lines 42-46).

Wu does not disclose expressly wherein the step for using a printer model database generation application to dynamically generate a base sequence test print job comprises semi-automatically generating the test print job when the test print job corresponds to at least one of (i) an option that is printer driver dependent and (ii) an option setting that is printer driver dependent.

Yamamoto discloses wherein the step for using a printer model database generation application to dynamically generate a base sequence test print job comprises semi-automatically generating the test print job when the test print job corresponds to at least one of (i) an option that is printer driver dependent and (ii) an option setting that is printer driver dependent (see Figs. 3, 5, and 8, and paragraphs 51, 55-58, 61, 63, 69, 77, 79, and 83-84).

Regarding claim 14, Wu discloses wherein the printer model database generation application is configured to automatically generate the test print job when the test print job corresponds to a printer driver independent option (see column 2 lines 51-53)

Wu does not disclose expressly wherein the printer model database generation application is configured to semi-automatically generate the test print job when the test print job corresponds to at least one of (i) a printer driver dependent option and (ii) a printer driver dependent option setting.

Yamamoto discloses wherein the printer model database generation application is configured to semi-automatically generate the test print job when the test print job corresponds to at least one of (i) a printer driver dependent option and (ii) a printer driver dependent option setting (see Figs. 3, 5, and 8, and paragraphs 51, 55-58, 61, 63, 69, 77, 79, and 83-84).

Regarding claim 19, Wu discloses wherein the step for using a printer model database generation application to dynamically generate a base sequence test print job comprises: using the printer model database generation application to initiate user interaction and electronically constructing the test print job (see Fig. 1, column 1 lines 56-62, and column 2 lines 25-30 and 55-64).

Wu does not disclose expressly wherein the step for using a printer model database generation application to dynamically generate a base sequence test print job comprises: receiving user input relating to at least one of (i) a printer driver dependent option and (ii) a printer driver dependant option setting and cataloging at least one of (i) the printer driver dependent option and (ii) the printer driver dependent option setting.

Yamamoto discloses wherein the step for using a printer model database generation application to dynamically generate a base sequence test print job comprises: receiving user input relating to at least one of (i) a printer driver dependent

option and (ii) a printer driver dependant option setting and cataloging at least one of (i)

the printer driver dependent option and (ii) the printer driver dependent option setting

(see Figs. 3, 5, and 8, and paragraphs 51, 55-58, 61, 63, 69, 77, 79, and 83-84).

Wu & Yamamoto are combinable because they are from the same field of

endeavor, test printing.

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to combine the generating a test print based on options that are printer

driver dependent, as described by Yamamoto, with the system of Wu.

The suggestion/motivation for doing so would have been to provide a more

comprehensive printer model database that in turn would make user interaction easier

and more efficient.

Therefore, it would have been obvious to combine Yamamoto with Wu to obtain

the invention as specified in claims 6, 14, and 19.

Regarding claim 7, Yamamoto further discloses wherein the step for semi-

automatically generating the test print job comprises a step for using the printer model

database generation application to initiate user interaction (see Figs. 3, 5, and 8, and

paragraphs 51, 55-58, 61, 63, 69, 77, 79, and 83-84).

Regarding claim 8, Yamamoto further discloses wherein the step for semi-

automatically generating the test print job further comprises steps for: receiving user

input relating to at least one of (i) the option and (ii) the option setting, cataloging at

least one of (i) the option and (ii) the option setting, and electronically constructing the

test print job (see Figs. 3, 5, and 8, and paragraphs 51, 55-58, 61, 63, 69, 77, 79, and

83-84).

Regarding claim 9, Yamamoto further discloses wherein the step for

electronically constructing the test print job comprises the steps for: displaying any

standard options and printer driver independent settings, obtaining from the user any

input relating to additional settings, and initiating the print job (see Figs. 3, 5, and 8, and

paragraphs 51, 55-58, 61, 63, 69, 77, 79, and 83-84).

Regarding claim 10, Yamamoto further discloses wherein the step for

electronically constructing the test print job comprises the steps for: prompting the user

for any proprietary options and obtaining from the user any input relating to the

proprietary options (see Figs. 3, 5, and 8, and paragraphs 51, 55-58, 61, 63, 69, 77, 79,

and 83-84).

Allowable Subject Matter

5.   Claims 5 and 18 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

6.   The following is a statement of reasons for the indication of allowable subject

matter:

The prior art of record does not disclose, teach, or suggest the claimed

limitations of (in combination with all other limitations in the claims), obtaining a default

initialized structure from a printer driver, updating the structure according to the option,

and generating the print job using the updated structure, as set forth in claim(s) 5 and

18.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. To further show the state of the art please refer to the attached
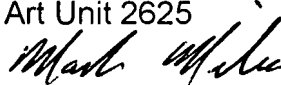
Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mark R. Milia whose telephone number is (571) 272-

7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
Examiner
Art Unit 2625

MRM

Twyler M. Lamb
Supervisory Patent Examiner